

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 8/21/2012	(3) CONTACT/PHONE Ryan Hostetter, Planner III \ (805) 788-2351	
(4) SUBJECT Introduction of an ordinance to amend the Building and Construction Ordinance (Title 19 of the San Luis Obispo County Code) to adopt changes to the State Cal-Green Code by adding a Chapter 8 that adopts the County's Green Building Ordinance and amend the Health and Sanitation – Solid Waste Management (Title 8 of the San Luis Obispo County Code), by repealing Section 8.12.450 et seq. and submittal of a resolution regarding local conditions and instruct the Clerk to give notice of hearing date set for August 28, 2012 at 9:00 a.m. Supervisorial District: All.			
(5) RECOMMENDED ACTION That the Board of Supervisors: (1) Adopt the attached resolution regarding local conditions; (2) Introduce the attached ordinance and set August 28, 2012 as the date to hold a public hearing on an ordinance amending the State Cal-Green Code by adding a Chapter 8 to Title 19 that adopts the County's Green Building Ordinance and repealing Title 8, Section 8.12.450 et seq. of the County Code (Health and Sanitation – Solid Waste Management); and (3) Authorize and direct the Chief Building Official to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.			
(6) FUNDING SOURCE(S) Current Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. _____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW Reviewed by Leslie Brown			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Ryan Hostetter, Planner III & Sylvia Aldana, Plans Examiner III

VIA: Matt Janssen, Division Manager, Community Relations

DATE: 8/21/2012

SUBJECT: Introduction of an ordinance A request by the County of San Luis Obispo to amend the Building and Construction Ordinance (Title 19 of the San Luis Obispo County Code) to adopt changes to the State Cal-Green Code by adding a Chapter 8 that adopts the County's Green Building Ordinance and amend the Health and Sanitation – Solid Waste Management (Title 8 of the San Luis Obispo County Code), by repealing Section 8.12.450 et seq. and submittal of a resolution regarding local conditions and instruct the Clerk to give notice of hearing date set for August 28, 2012 at 9:00 a.m.. Supervisorial District: All.

RECOMMENDATION

That the Board of Supervisors:

- (1) Adopt the attached resolution regarding local conditions;
- (2) Introduce the attached ordinance and set August 28, 2012 as the date to hold a public hearing on an ordinance amending the State Cal-Green Code by adding a Chapter 8 to Title 19 that adopts the County's Green Building Ordinance and repealing Title 8, Section 8.12.450 et seq. of the County Code (Health and Sanitation – Solid Waste Management); and
- (3) Authorize and direct the Chief Building Official to transmit a copy of this ordinance to the California Building Standards Commission as required by California Health and Safety Code Section 17958.7.

DISCUSSION

This ordinance is being introduced on your August 21, 2012 agenda in order to hold a public hearing at your August 28, 2012 meeting. Discussion of the proposed changes can occur today; however, if **substantial changes** are made to the attached amendments today, the items will have to be re-introduced on August 28, 2012, to be adopted by the Board at their September 18, 2012 meeting.

The following ordinance is recommended for introduction today and for hearing on August 28, 2012:

A request by the County of San Luis Obispo to amend the Building and Construction Ordinance (Title 19 of the San Luis Obispo County Code) to adopt changes to the State Cal-Green Code by adding a Chapter 8 that adopts the County's Green Building Ordinance and amend the Health and Sanitation – Solid Waste Management (Title 8 of the San Luis Obispo County Code), by repealing Section 8.12.450 et seq.

County File Number: **LRP2012-00013**
Supervisorial District: All

Assessor Parcel Number: N/A
Date Authorized: N/A

The proposed amendments are attached as Exhibit B.

The County is required to follow the building codes adopted by the State of California. The next editions of which will be effective January 1, 2014. These codes can be modified to reflect local climatic, geological, or topographical conditions, and the County must adopt these local modifications as part of the County Code. This code adoption will continue all special construction requirements unique to San Luis Obispo County concurrent with the new codes established by the State of California.

Background

On January 12, 2010, the California Building Standards Commission ("BSC") unanimously adopted the first in the nation green building code ("CALGreen"). CALGreen, which applies to all building permits pulled on or after January 1, 2011, requires residential and commercial developers to implement a wide range of sustainability measures in the areas of planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and air quality. According to the Governor's press release, CALGreen will help California meet its goals of "curbing global warming and achieving 33% renewable energy by 2020" (referring to the 33% renewable energy portfolio mandated by AB 32). Cal Green, however did not include requirements for existing buildings as it only applied to entirely new construction. While this is currently being reviewed at the state level, it is anticipated that existing buildings will be included and in fact as of July 1, 2012 additions to commercial buildings are now subject to Cal Green requirements. The County of San Luis Obispo however elected to address existing buildings which Cal Green omitted (residential) as well as review measures that are specific to local conditions.

In 2009 the County Department of Planning and Building received an Energy Efficiency and Conservation Block Grant from the Department of Energy (American Recovery and Reinvestment Act) which allowed the County to conduct the work for the Green Building Ordinance. In 2010, after direction from the Board of Supervisors to pursue preparation of an ordinance, the County conducted five public outreach meetings to receive comments before work on the ordinance was undertaken. Based on many of those comments, the County organized a technical committee of volunteers in the community who were able to provide specific technical expertise in drafting the ordinance language based on community comments. This committee was comprised of builders, representatives of the Home Builders Association, engineers, representatives of the American Institute of Architects, electrical engineers, planners, city officials throughout the county as well as members of the local green building community. The ordinance before you for introduction today and adoption on August 28, 2012 is the product of many meetings and reviews with this technical committee and was essentially drafted by the professional experts in the field.

Technical Summary

The California Health and Safety Code allow the County to amend provisions of the California Building Standards Code due to local climatic, geological, or topographical conditions. The action recommended is the opportunity to include amendments to codes that address unusual local conditions in the unincorporated areas of the County of San Luis Obispo. The proposed ordinance contains the findings required to justify the proposed code modifications. The Board will need to adopt the attached resolution regarding local conditions as part of your action today. This will allow for adoption of the ordinance after the public hearing on August 28, 2012.

The proposed ordinance will add a Chapter 8 to Title 19 of the County Code that amends the 2010 California Building Standards Code as well as the State's Cal-Green Code. The EnergyWise Plan identified the primary contributors of greenhouse gas emissions in our county are building (30%), water/sewer (2%), and waste (2%). The plan seeks to reduce community wide GHG by 15% by the year 2020 (this is the same target identified in the Conservation and Open Space Element). In order to achieve this, the plan provides measures which target reductions through such ideas as: energy conservation measures for new and existing development, increased use of renewable energy, increased construction waste diversion, and water conservation. The proposed County Green Building Ordinance provides methods for new construction and remodels to help achieve the target reductions.

OTHER AGENCY INVOLVEMENT/IMPACT

Amendments were referred to applicable agencies and design/construction industry groups. The ordinance was reviewed by County Counsel as to form and codification.

FINANCIAL CONSIDERATIONS

The cost of preparation of the County's Green Building Ordinance was offset by a grant under the American Recovery and Reinvestment Act of 2009.

RESULTS

Introduction of these amendments today will allow them to be heard on August 28, 2012 and if approved, to become effective January 1, 2013.

ATTACHMENTS

1. Exhibit A – Resolution and Findings
2. Exhibit B – Final Version of Text Changes for Proposed Amendments
3. Exhibit C - Climate Zone 4 Energy Cost-Effectiveness Study (Clerk's File)